

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,

v.

SERGIO ALVAREZ MARTINEZ.

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Case No. **3:18-CR-002-L-1**
(USCA No. **18-11321**)

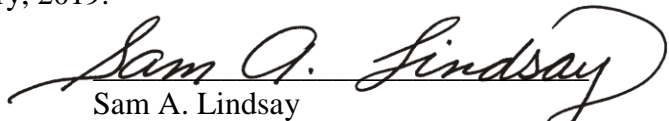
ORDER

Before the court is the issue of whether to extend the deadline for Sergio Alvarez Martinez (“Defendant”) to file a notice of appeal. On August 29, 2018, the court entered the Judgment in a Criminal Case (Doc. 45) in this action. On October 9, 2018, Defendant untimely filed a pro se Notice of Appeal (Doc. 47). Subsequently, the United States Court of Appeals for the Fifth Circuit remanded this case for determination of whether excusable neglect or good cause entitles Defendant to an extension of time to appeal under Federal Rule of Appellate Procedure 4(b)(4).

On December 19, 2018, United States Magistrate Judge Renée Harris Toliver entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”), recommending that the court find that Defendant has shown good cause for his late filing and that an extension of thirty days to appeal should be granted. No objections to the Report were made.

Having reviewed the record in this case, Report, and applicable law, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court. Accordingly, the court **extends** the deadline to appeal to October 28, 2019, which would render timely Defendant’s pro se Notice of Appeal (Doc. 47).

It is so ordered this 8th day of January, 2019.


Sam A. Lindsay
United States District Judge